

Sec. 6. **EFFECTIVE DATE.**

Sections 2 and 5 are effective July 1, 1987. Section 4 is effective the day following final enactment.

Approved May 26, 1987

**CHAPTER 207—S.F.No. 353**

*An act relating to metropolitan water management; providing assessment and notice procedures; providing for county ground water plans; amending Minnesota Statutes 1986, sections 112.60, by adding subdivisions; 112.64, by adding a subdivision; 473.875; 473.876, by adding subdivisions; and 473.878, subdivisions 3, 5, 6, 7, and 9; proposing coding for new law in Minnesota Statutes, chapter 473.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 112.60, is amended by adding a subdivision to read:

**Subd. 1a. ASSESSMENT NOTICE FOR METROPOLITAN WATERSHEDS.** For a watershed district entirely within the metropolitan area, the auditor must mail an assessment notice to property owners and corporations benefited and damaged before the assessment is made in subdivision 1. The assessment notice must include:

- (1) the amount to be specially assessed against the property;
- (2) the right of the property owner to prepay the entire assessment and to whom prepayment must be made;
- (3) whether partial prepayment of the assessment is authorized;
- (4) the time within which prepayment may be made without interest being charged; and
- (5) the rate of interest to be charged if the assessment is not prepaid within the required time period.

Sec. 2. Minnesota Statutes 1986, section 112.60, is amended by adding a subdivision to read:

**Subd. 5. PREPAYMENT FOR METROPOLITAN WATERSHED DISTRICTS.** (a) For a watershed district entirely within the metropolitan area, a property owner or corporation may prepay the entire assessment at any time before the first installment of the assessment is entered on the tax lists for the year with the interest that has accrued to the date of payment, except that interest may not be charged on an assessment that is prepaid within 30 days after the assessment notice is mailed.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(b) After the first installment of an assessment is entered on the tax list, a property owner or corporation may prepay the entire assessment remaining due before November 15 with interest accrued to December 31 of the year in which the prepayment is made.

Sec. 3. Minnesota Statutes 1986, section 112.64, is amended by adding a subdivision to read:

Subd. 3a. NOTICE AND PREPAYMENT FOR METROPOLITAN WATERSHEDS. For a watershed district entirely within the metropolitan area, the auditor must mail an assessment notice to the owners of affected property as provided in section 112.60, subdivision 1a, before the assessment is levied. The assessment may be prepaid as provided in section 112.60, subdivision 5.

Sec. 4. Minnesota Statutes 1986, section 473.875, is amended to read:

**473.875 SURFACE METROPOLITAN WATER MANAGEMENT PROGRAM PROGRAMS; PURPOSES.**

The purpose of the ~~surface~~ water management programs required by sections 473.875 to 473.883 is to protect, preserve and use natural surface and ground water storage and retention systems in order to (a) reduce to the greatest practical extent the public capital expenditures necessary to control excessive volumes and rates of runoff, (b) protect and improve surface and ground water quality, (c) prevent flooding and erosion from surface flows, (d) promote ground water recharge, (e) protect and enhance fish and wildlife habitat and water recreational facilities, and (f) secure the other benefits associated with the proper management of surface and ground water.

Sec. 5. Minnesota Statutes 1986, section 473.876, is amended by adding a subdivision to read:

Subd. 2a. GROUND WATER PLAN. "Ground water plan" means a county plan adopted under section 12.

Sec. 6. Minnesota Statutes 1986, section 473.876, is amended by adding a subdivision to read:

Subd. 2b. GROUND WATER SYSTEM. "Ground water system" means one of the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled "Designation of Principal Water Supply Aquifers in Minnesota" (August 1981), and its revisions.

Sec. 7. Minnesota Statutes 1986, section 473.878, subdivision 3, is amended to read:

Subd. 3. GENERAL STANDARDS. (a) The watershed management plan shall extend through the year 1990 or any year thereafter which is evenly divisible by five.

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(b) The plan must be updated before the expiration of the period covered by the plan. The plan must be reviewed for consistency with an adopted county ground water plan, and revised as necessary, whenever the watershed plan undergoes substantial revision or updating. In counties that adopt or amend ground water plans within five years following the effective date of section 12, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than six years following the effective date of section 12. In counties that adopt or amend ground water plans after five years following the effective date of section 12, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than one year following the adoption or amendment of the ground water plan. Upon the request of a watershed management organization, the county shall provide a written statement that: (1) identifies any substantial inconsistencies between the watershed plan and the ground water plan and any substantial adverse effects of the watershed plan on the ground water plan, and (2) evaluates, estimates the cost of, and recommends alternatives for amending the watershed plan to rectify any substantial inconsistencies and adverse effects.

(c) The plan shall contain the elements required by subdivision 4. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed.

(d) The plan shall be prepared and submitted for review under subdivision 5 not later than December 31, 1986.

(e) Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 473.875 to 473.883. Existing or amended plans of a watershed management organization which meet the requirements of sections 473.875 to 473.883 may be submitted for review under subdivision 5.

Sec. 8. Minnesota Statutes 1986, section 473.878, subdivision 5, is amended to read:

Subd. 5. LOCAL REVIEW. (a) Upon completion of the plan but before final adoption by the organization, the organization shall submit the plan for review and comment to all counties, soil and water conservation districts, towns, and statutory and home rule charter cities having territory within the watershed. Any local government unit which expects that substantial amendment of its local comprehensive plan will be necessary in order to bring local water management into conformance with the watershed plan shall describe as specifically as possible, within its comments, the amendments to the local plan which it expects will be necessary. If the county has a ground water plan, the county shall review and comment on the consistency of the watershed plan with the county ground water plan. Differences among local governmental agencies regarding the plan must be mediated.

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¶ (b) Sixty days after the submission to local government units for comment, the organization shall submit the plan, any comments received, and any appropriate amendments to the plan, to the board of the county or counties having territory within the watershed. The county shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to section 112.60, subdivision 2, or 473.883. The county shall have 60 days to complete its review of the capital improvement program. If the county fails to complete its review within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of a capital improvement program while the other county or counties approve, the program shall be submitted to the water resources board for review pursuant to subdivision 7.

Sec. 9. Minnesota Statutes 1986, section 473.878, subdivision 6, is amended to read:

Subd. 6. **REVIEW BY METROPOLITAN COUNCIL.** After completion of the review under subdivision 5, the plan and all comments received shall be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to local comprehensive plans. The council may mediate and attempt to resolve differences among local governmental agencies regarding the plan.

Sec. 10. Minnesota Statutes 1986, section 473.878, subdivision 7, is amended to read:

Subd. 7. **REVIEW BY STATE AGENCIES.** After completion of the review under subdivision 6, the plan and all comments received shall be submitted to the ~~commissioner~~ commissioners of natural resources and health and the director of the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883. If the capital improvement program is the subject of a dispute between counties, the water resources board shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved.

Sec. 11. Minnesota Statutes 1986, section 473.878, subdivision 9, is amended to read:

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Subd. 9. **AMENDMENTS.** To the extent and in the manner required by the adopted plan, all amendments to the adopted plan shall be submitted to the towns, cities, county, and other agencies for review in accordance with the provisions of subdivisions 5, 6, and 7. Amendments necessary to revise the plan to be consistent with county ground water plan, as required by subdivision 3, must be submitted for review in accordance with subdivisions 5, 6, and 7.

**Sec. 12. [473.8785] GROUND WATER PLANS.**

Subdivision 1. AUTHORITY. A metropolitan county may prepare and adopt ground water plans in accordance with this section.

Subd. 2. RESPONSIBLE UNITS. The county may prepare and adopt the plan or, upon request of a soil and water conservation district, the county may delegate to the soil and water conservation district the preparation and adoption of all or part of a plan and the performance of other county responsibilities regarding the plan under this section and section 473.878.

Subd. 3. LOCAL COORDINATION. To assure the coordination of efforts of all units of government during the preparation and implementation of watershed and ground water plans, the county shall conduct meetings with local units of government and watershed management organizations, and may enter into agreements with local units of government and watershed management organizations establishing the responsibilities during the preparation and implementation of the water plans.

Subd. 4. ASSISTANCE; ADVISORY COMMITTEE. The county may contract with the Minnesota geological survey, the United States geological survey, a soil and water conservation district, or other public or private agencies or persons for services in performing the county's responsibilities regarding the plan under this section and section 473.878. Counties may enter into agreements with other counties or local units of government under section 471.59 for the performance of these responsibilities. To assist in the development of the ground water plan, the county shall seek the advice of the Minnesota geological survey, the departments of health and natural resources, the pollution control agency, and other appropriate local, state, and federal agencies, and shall name an advisory committee of 15 members. The committee must include representatives of various interests, including construction, agriculture, hydrogeology, and well drilling. At least four members of the committee must be from the public at large with no direct pecuniary interest in any project involving ground water protection. At least seven members must be appointed from watershed management organizations, statutory and home rule charter cities, and towns, and these local government representatives must be geographically distributed so that at least one is appointed from each county commissioner district. The county shall consult the advisory committee on the development, content, and implementation of the plan, including the relationship of the ground water plan and existing watershed and local water management plans, the effect of the ground water plan on the other plans, and the allocation of costs and governmental authority and responsibilities during implementation.

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Subd. 5. GENERAL STANDARDS. The ground water plan must extend through the year 1995 or any year thereafter which is evenly divisible by five. The plan must contain the elements required by subdivision 6. Each element must be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated ground water management problems in the county. To the fullest extent possible in a manner consistent with ground water protection, a county shall make maximum use of existing and available data and studies in preparing the ground water plan and incorporate into its ground water plan relevant data from existing plans and studies and the relevant provisions of existing plans adopted by watershed management organizations having jurisdiction wholly or partly within the county.

Subd. 6. CONTENTS. A ground water plan must:

- (1) cover the entire area within the county;
- (2) describe existing and expected changes to the physical environment, land use, and development in the county;
- (3) summarize available information about the ground water and related resources in the county, including existing and potential distribution, availability, quality, and use;
- (4) state the goals, objectives, scope, and priorities of ground water protection in the county;
- (5) contain standards, criteria, and guidelines for the protection of ground water from pollution and for various types of land uses in environmentally sensitive areas, critical areas, or previously contaminated areas;
- (6) describe relationships and possible conflicts between the ground water plan and the plans of other counties, local government units, and watershed management organizations in the affected ground water system;
- (7) set forth standards and guidelines for implementation of the plan by watershed management organizations and local units of government; and
- (8) include a procedure for amending the ground water plan.

Subd. 7. LOCAL REVIEW AND COMMENT. Upon completion of the ground water plan but before final adoption by the county, the county shall submit the plan for review and comment to each soil and water conservation district, town, statutory and home rule charter city, and watershed management organization having territory within the county. The county also shall submit the plan to any other county or watershed management organization or district in the affected ground water system that could affect or be affected by implementation of the plan. Any political subdivision or watershed management organization that expects that substantial amendment of its plans would be necessary in order to bring them into conformance with the county ground water plan shall describe as specifically as possible, within its comments, the amendments

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that it expects would be necessary and the cost of amendment and implementation. Reviewing entities have 60 days to review and comment. Differences among local governmental agencies regarding the plan must be mediated.

**Subd. 8. REVIEW BY METROPOLITAN COUNCIL.** After completion of the review under subdivision 7, the plan and all comments received must be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to watershed plans and local comprehensive plans. The council shall summarize and evaluate the cost of rectifying inconsistencies between the ground water plan and watershed plans. If the council finds that significant funding problems, needs, or inequities will result from the ground water plan, the council shall report to the legislature on the matter and on appropriate means of allocating and paying costs. The council may mediate and attempt to resolve differences among local governmental agencies regarding the plan.

**Subd. 9. REVIEW BY STATE AGENCIES.** After completion of the review under subdivision 8, the plan and all comments received must be submitted to the commissioners of natural resources and health and the director of the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board may not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883.

**Subd. 10. ADOPTION; IMPLEMENTATION.** The county shall adopt and implement its ground water plan within 120 days after approval of the plan by the water resources board.

**Subd. 11. AMENDMENTS.** To the extent and in the manner required by the adopted plan, all amendments to the adopted plan must be submitted to the towns, cities, counties, and other agencies for review in accordance with the provisions of subdivisions 7 to 9.

### Sec. 13. APPLICATION.

Sections 4 to 12 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Approved May 26, 1987

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